

agency, but we need to expand on our tools to fight governing by rulemaking. We need to increase accountability for and transparency in the Federal regulatory process by requiring that Congress approve all new major regulations. The Regulations From the Executive in Need of Scrutiny, or REINS, Act would make sure the people's representatives get a say in regulatory action affecting our Nation's economy. The presumption should not be deference to a Federal agency attempting to implement a regulation but to Congress and to the States.

If enacted, the REINS Act would require an up-or-down vote by both Houses of Congress before any executive branch rule or regulation with an annual economic impact of \$100 million or more could be enacted. In the case of the Clean Power Plan, the costs are in the billions. So it would ensure Congress gets a say to stop the EPA from regulating coal out of business.

Additionally, the Environment and Public Works Committee has moved legislation—that is, the Affordable Reliable Energy Now Act—which would extend the proposed rule's compliance dates pending further judicial review. That way we don't see premature plant closures that harm our grid reliability and make energy more expensive before even knowing whether the rule is on good legal standing and whether the numbers are good.

Both of these bills would give Congress additional tools to fight Executive overreach, and the House has already passed legislation similar to the Affordable Reliable Energy Now Act. We must do what we can because there is no doubt that MATS regulations will continue to be challenged for its requirement of outside-of-the-fence-line changes, its coordination with existing source performance standards, the implementation of Federal standards should States not submit plans or on the scientific basis if the status quo contributes to the endangerment of public health. In fact, the White House has requested over \$50 million to defend the rule in court. That is your tax money. They have already lost once.

And while the EPA ignores the costs, outside groups have projected four to seven times the costs of the regulation. The National Economics Research Association found an annual compliance cost for MATS \$41 to \$73 billion. That is the annual compliance costs. So that would be up to \$73,000 million, as I like to put it, because I think talking about millions instead of billions makes it a little more understandable. So that is the policy that is going to affect consumer prices.

It also shows States like Wyoming seeing double-digit increases in electrical prices. Congress must ensure the EPA does not continue to act unreasonably by not considering the costs of compliance before drafting carbon regulations. By requiring States to implement their own plans, the EPA is trying to skirt their responsibility to de-

termine the true costs. The EPA has not adequately considered the costs of the Clean Power Plan. So what they did was shift that over and said: States, this is what each of you has to do to make the Federal plan work, but since this is a State plan, we don't have to do all of this analysis to see what the costs are going to be. Of course, we need more transparency in the calculations.

As I mentioned, costs are easy to come up with, but benefits are pretty hard to determine, and they are kind of in the eye of the beholder or eye of the calculator. Usually, the costs happen upfront in just a few years—5 years, maybe 10 years at the most—but they are allowed to calculate benefits over 50 years, 100 years. How long can they do that? The company has to pay it upfront, but the consumers have to pay it over a regular short period of time.

Fifteen percent of U.S. coal-generating capacity is already planned for retirement. Wyoming would be forced to prematurely close four additional coal-fired plants under this rule. Incidentally, that is about the amount of electricity that we export to California. The EPA asserts that since States determine compliance, the remaining useful life of coal-powered units prematurely shut down need not be considered.

Governors have already begun telling the EPA that they will not be able to submit plans to meet the proposed standards, so Administrator MCCARTHY has threatened a Federal implementation plan if States do not comply. Now, a Federal implementation plan is a Federal regulatory action, and so they need to consider the costs of premature plant shutdowns and the consumer energy prices that will cause prior to being finalized. You cannot bypass these considerations by placing the onus on the States first.

Congress also needs to empower States to oppose Federal regulations that hurt their constituencies, again with little benefit. As Wyoming's Governor Matt Meads commented on MATS: "The EPA does not have the legal authority to propose, finalize or enforce this proposal." The EPA has introduced a proposal that functionally and structurally hamstring energy and electricity sectors, thereby driving up the electrical prices. It would burden our Nation's economic security and prosperity with almost no environmental or health benefits. The State of Wyoming is considering its legal options once the rule is finalized. They can't do anything until it is finalized.

I have proposed an amendment to the Constitution which would give States the ability to repeal Federal laws and regulations when ratified by two-thirds of the legislators. That is almost like calling a constitutional convention under article V of the Constitution. This amendment stands up for States' rights and gives them another option other than the court system to find solutions to regulatory problems. Ulti-

mately, the States know what is best for them, and it is time to shift the power back into their hands. Even when Federal regulations may have good intentions, they can create situations in which they cause more harm than good.

Unfortunately, the regulatory process is skewed in favor of the administration. We need to find a way to empower Congress and to empower the States—those most accountable to the voters—to keep runaway agencies in check or we will continue to see regulations that impede our economy by directly hurting the energy industry, which hurts individuals, costs jobs, and hits the ratepayers—the price ultimately paid by the consumers.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OLDER AMERICANS ACT REAUTHORIZATION ACT OF 2015

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 12, S. 192; that the bill be read for the third time; and that the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 192) to reauthorize the Older Americans Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the question is, Shall the bill pass?

The bill (S. 192) was passed, as follows:

S. 192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Reauthorization Act of 2015".

#### SEC. 2. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The term 'abuse' means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.";

(2) by striking paragraph (3) and inserting the following:

"(3) The term 'adult protective services' means such services provided to adults as

the Secretary may specify and includes services such as—

“(A) receiving reports of adult abuse, neglect, or exploitation;

“(B) investigating the reports described in subparagraph (A);

“(C) case planning, monitoring, evaluation, and other casework and services; and

“(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.”;

(3) by striking paragraph (4) and inserting the following:

“(4) The term ‘Aging and Disability Resource Center’ means an entity, network, or consortium established by a State as part of the State system of long-term care, to provide a coordinated and integrated system for older individuals and individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and the caregivers of older individuals and individuals with disabilities, that provides—

“(A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care services, and Federal or State programs that provide long-term care services and supports through home and community-based service programs;

“(B) person-centered counseling to assist individuals in assessing their existing or anticipated long-term care needs and goals, and developing and implementing a person-centered plan for long-term care that is consistent with the desires of such an individual and designed to meet the individual’s specific needs, goals, and circumstances;

“(C) access for individuals to the full range of publicly-supported long-term care services and supports for which the individuals may be eligible, including home and community-based service options, by serving as a convenient point of entry for such programs and supports; and

“(D) in cooperation with area agencies on aging, centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), and other community-based entities, information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community.”;

(4) in paragraph (14)(B), by inserting “oral health,” after “bone density,”;

(5) by striking paragraph (17) and inserting the following:

“(17) The term ‘elder justice’ means—  
“(A) from a societal perspective, efforts to—

“(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

“(ii) protect older individuals with diminished capacity while maximizing their autonomy; and

“(B) from an individual perspective, the recognition of an older individual’s rights, including the right to be free of abuse, neglect, and exploitation.”;

(6) in paragraph (18)(A), by striking “term ‘exploitation’ means” and inserting “terms ‘exploitation’ and ‘financial exploitation’ mean”.

### SEC. 3. ADMINISTRATION ON AGING.

(a) BEST PRACTICES.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended—

(1) in subsection (d)(3)—

(A) in subparagraph (H), by striking “202(a)(21)” and inserting “202(a)(18)”;

(B) in subparagraph (K), by striking “and” at the end;

(C) in subparagraph (L)—

(i) by striking “Older Americans Act Amendments of 1992” and inserting “Older Americans Act Reauthorization Act of 2015”; and

(ii) by striking “712(h)(4).” and inserting “712(h)(5); and”;

(D) by adding at the end the following:

“(M) collect and analyze best practices related to responding to elder abuse, neglect, and exploitation in long-term care facilities, and publish a report of such best practices.”;

(2) in subsection (e)(2), in the matter preceding subparagraph (A), by inserting “, and in coordination with the heads of State adult protective services programs and the Director of the Office of Long-Term Care Ombudsman Programs” after “and services”.

(b) TRAINING.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting “health and economic” before “needs of older individuals”;

(B) in paragraph (7), by inserting “health and economic” before “welfare”;

(C) in paragraph (14), by inserting “(including the Health Resources and Services Administration)” after “other agencies”;

(D) in paragraph (27), by striking “and” at the end;

(E) in paragraph (28), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

“(29) provide information and technical assistance to States, area agencies on aging, and service providers, in collaboration with relevant Federal agencies, on providing efficient, person-centered transportation services, including across geographic boundaries;

“(30) identify model programs and provide information and technical assistance to States, area agencies on aging, and service providers (including providers operating multipurpose senior centers), to support the modernization of multipurpose senior centers; and

“(31) provide technical assistance to and share best practices with States, area agencies on aging, and Aging and Disability Resource Centers, on how to collaborate and coordinate services with health care entities, such as Federally-qualified health centers, as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B)), in order to improve care coordination for individuals with multiple chronic illnesses.”;

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(D) when feasible, developing, in consultation with States and national organizations, a consumer-friendly tool to assist older individuals and their families in choosing home and community-based services, with a particular focus on ways for consumers to assess how providers protect the health, safety, welfare, and rights, including the rights provided under section 314, of older individuals.”;

(B) in paragraph (8)—

(i) in subparagraph (B), by inserting “to identify and articulate goals of care and” after “individuals”;

(ii) in subparagraph (D)—

(I) by inserting “respond to or” before “plan”; and

(II) by striking “future long-term care needs; and” and inserting “long-term care needs.”;

(iii) in subparagraph (E), by adding “and” at the end; and

(iv) by adding at the end the following:

“(F) to provide information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community.”;

(3) by adding at the end the following:

“(g) The Assistant Secretary shall, as appropriate, ensure that programs authorized under this Act include appropriate training in the prevention of abuse, neglect, and exploitation and provision of services that address elder justice and the exploitation of older individuals.”.

(c) REPORTS.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (2), by striking “202(a)(19)” and inserting “202(a)(16)”;

(2) in paragraph (4), by striking “202(a)(17)” and inserting “202(a)(14)”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a), by striking “2007, 2008, 2009, 2010, and 2011” and inserting “2016, 2017, and 2018”;

(2) in subsection (b)—

(A) by striking “202(a)(24)” and inserting “202(a)(21)”;

(B) by striking “2007, 2008, 2009, 2010, and 2011” and inserting “2016, 2017, and 2018”;

(3) in subsection (c), by striking “2007, 2008, 2009, 2010, and 2011” and inserting “2016, 2017, and 2018”.

### SEC. 4. STATE AND COMMUNITY PROGRAMS ON AGING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsection (a)(1), by striking “fiscal years 2007” and all that follows and inserting “each of fiscal years 2016 through 2018.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “fiscal years 2007” and all that follows and inserting “each of fiscal years 2016 through 2018.”;

(B) in paragraph (2), by striking “fiscal years 2007” and all that follows and inserting “each of fiscal years 2016 through 2018.”;

(3) in subsection (d), by striking “fiscal years 2007” and all that follows and inserting “each of fiscal years 2016 through 2018.”;

(4) in subsection (e)(2), by striking “2011” and inserting “2011 and each of fiscal years 2016 through 2018”.

(b) ALLOTMENT.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(1) in subsection (a)(3), by striking subparagraph (D) and inserting the following:

“(D)(i) For each of fiscal years 2016 through 2018, no State shall be allotted an amount that is less than 99 percent of the amount allotted to such State for the previous fiscal year.

“(ii) For fiscal year 2019 and each subsequent fiscal year, no State shall be allotted an amount that is less than 100 percent of the amount allotted to such State for fiscal year 2018.”;

(2) in subsection (b), by striking “subpart 1 of”.

(c) PLANNING AND SERVICE AREAS.—Section 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking “planning and services areas” and inserting “planning and service areas”.

(d) AREA PLANS.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “establishment, maintenance, or construction of multipurpose senior centers,” and inserting “establishment, maintenance, modernization, or construction of multipurpose senior centers (including a plan to use the skills and services of older individuals in paid and unpaid work, including multigenerational and older individual to older individual work);” and

(B) in paragraph (6)—

(i) in subparagraph (G), by adding “and” at the end; and

(ii) by adding at the end the following:

“(H) in coordination with the State agency and with the State agency responsible for elder abuse prevention services, increase public awareness of elder abuse, neglect, and exploitation, and remove barriers to education, prevention, investigation, and treatment of elder abuse, neglect, and exploitation, as appropriate;” and

(2) in subsection (b)(3)—

(A) in subparagraph (J), by striking “and” at the end;

(B) by redesignating subparagraph (K) as subparagraph (L); and

(C) by inserting after subparagraph (J) the following:

“(K) protection from elder abuse, neglect, and exploitation; and”.

(e) STATE PLANS.—Section 307(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(2)(A)) is amended by striking “202(a)(29)” and inserting “202(a)(26)”.

(f) NUTRITION SERVICES INCENTIVE PROGRAM.—Section 311(e) of the Older Americans Act of 1965 (42 U.S.C. 3030a(e)) is amended by striking “fiscal year 2007” and all that follows and inserting “each of fiscal years 2016 through 2018.”

(g) SUPPORTIVE SERVICES.—Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or referral services” and inserting “referral, chronic condition self-care management, or falls prevention services”;

(B) in paragraph (8), by striking “(including” and all that follows and inserting the following: “(including mental and behavioral health screening and falls prevention services screening) to detect or prevent (or both) illnesses and injuries that occur most frequently in older individuals;” and

(C) in paragraph (15), by inserting before the semicolon the following: “, and screening for elder abuse, neglect, and exploitation”;

(2) in subsection (b)(1), by inserting “or modernization” after “construction”;

(3) in subsection (c), by inserting before the period the following: “, and pursue opportunities for the development of intergenerational shared site models for programs or projects, consistent with the purposes of this Act”; and

(4) by adding at the end the following:

“(e) In this section, the term ‘adult child with a disability’ means a child who—

“(1) is age 18 or older;

“(2) is financially dependent on an older individual who is a parent of the child; and

“(3) has a disability.”.

(h) HOME DELIVERED NUTRITION SERVICES PROGRAM.—Section 336(1) of the Older Americans Act of 1965 (42 U.S.C. 3030f(1)) is amended by striking “canned” and all that follows through “meals” and inserting “canned, or fresh foods and, as appropriate, supplemental foods, and any additional meals”.

(i) NUTRITION SERVICES.—Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g-21) is amended

(1) in paragraph (1), by striking “solicit” and inserting “utilize”; and

(2) in paragraph (2)—

(A) in subparagraph (J), by striking “and” at the end;

(B) in subparagraph (K), by striking the period and inserting “, and”; and

(C) by adding at the end the following:

“(L) where feasible, encourages the use of locally grown foods in meal programs and identifies potential partnerships and contracts with local producers and providers of locally grown foods.”.

(j) EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION SERVICES PROGRAM.—Part D of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended—

(1) in the part heading, by inserting “EVIDENCE-BASED” before “DISEASE”; and

(2) in section 361(a), by inserting “evidence-based” after “to provide”.

(k) OLDER RELATIVE CAREGIVERS.—

(1) TECHNICAL AMENDMENT.—Part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s et seq.) is amended by striking the subpart heading for subpart 1.

(2) DEFINITIONS.—Section 372 of such Act (42 U.S.C. 3030s) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “or who is an individual with a disability”; and

(ii) by striking paragraph (2) and inserting the following:

“(2) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), who is not less than age 18 and not more than age 59.

“(3) OLDER RELATIVE CAREGIVER.—The term ‘older relative caregiver’ means a caregiver who—

“(A)(i) is age 55 or older; and

“(ii) lives with, is the informal provider of in-home and community care to, and is the primary caregiver for, a child or an individual with a disability;

“(B) in the case of a caregiver for a child—

“(i) is the grandparent, stepgrandparent, or other relative (other than the parent) by blood, marriage, or adoption, of the child;

“(ii) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers of the child; and

“(iii) has a legal relationship to the child, such as legal custody, adoption, or guardianship, or is raising the child informally; and

“(C) in the case of a caregiver for an individual with a disability, is the parent, grandparent, or other relative by blood, marriage, or adoption, of the individual with a disability.”; and

(B) in subsection (b)—

(i) by striking “subpart” and all that follows through “family caregivers” and inserting “part, for family caregivers”; and

(ii) by striking “; and” and inserting a period; and

(iii) by striking paragraph (2).

(l) NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.—Section 373 of the Older Americans Act of 1965 (42 U.S.C. 3030s-1) is amended—

(1) in subsection (a)(2), by striking “grandparents or older individuals who are relative caregivers.” and inserting “older relative caregivers.”;

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “grandparents and older individuals who are relative caregivers, and who” and inserting “older relative caregivers, who”; and

(B) in paragraph (2)(B), by striking “to older individuals providing care to individuals with severe disabilities, including children with severe disabilities” and inserting “to older relative caregivers of children with

severe disabilities, or individuals with disabilities who have severe disabilities”;

(3) in subsection (e)(3), by striking “grandparents or older individuals who are relative caregivers” and inserting “older relative caregivers”;

(4) in subsection (f)(1)(A), by striking “for fiscal years 2007, 2008, 2009, 2010, and 2011” and inserting “for a fiscal year”; and

(5) in subsection (g)(2)(C), by striking “grandparents and older individuals who are relative caregivers of a child who is not more than 18 years of age” and inserting “older relative caregivers”.

(m) CONFORMING AMENDMENT.—Part E of title III is amended by striking “this subpart” each place it appears and inserting “this part”.

## SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY.

(a) GRANT PROGRAMS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (12), by striking “and” at the end;

(B) by redesignating paragraph (13) as paragraph (14); and

(C) by inserting after paragraph (12) the following:

“(13) continuing support for program integrity initiatives concerning the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that train senior volunteers to prevent and identify health care fraud and abuse; and”;

(2) in subsection (b), by striking “for fiscal years 2007” and all that follows through “2011” and inserting “for each of fiscal years 2016 through 2018”.

(b) NATIVE AMERICAN PROGRAMS.—Section 418(b) of the Older Americans Act of 1965 (42 U.S.C. 3032g(b)) is amended by striking “a national meeting to train” and inserting “national trainings for”.

(c) LEGAL ASSISTANCE FOR OLDER AMERICANS.—Section 420(c) of the Older Americans Act of 1965 (42 U.S.C. 3032i(c)) is amended by striking “national”.

(d) REPEALS.—Sections 415, 419, and 421 of the Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h, 3032j) are repealed.

(e) CONFORMING AMENDMENT.—Section 417(a)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3032f(a)(1)(A)) is amended by striking “grandparents and other older individuals who are relative caregivers” and inserting “older relative caregivers (as defined in section 372)”.

## SEC. 6. COMMUNITY SERVICE SENIOR OPPORTUNITIES.

Section 517(a) of the Older Americans Act of 1965 (42 U.S.C. 3056o(a)) is amended by striking “fiscal years 2007, 2008, 2009, 2010, and 2011” and inserting “each of fiscal years 2016 through 2018”.

## SEC. 7. GRANTS FOR NATIVE AMERICANS.

Section 643(2) of the Older Americans Act of 1965 (42 U.S.C. 3057n(2)) is amended by striking “fiscal year 2011” and inserting “each of fiscal years 2016 through 2018”.

## SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

(a) OMBUDSMAN DEFINITIONS.—Section 711(6) of the Older Americans Act of 1965 (42 U.S.C. 3058f(6)) is amended by striking “older”.

(b) OMBUDSMAN PROGRAMS.—Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: “The Ombudsman shall be responsible for the management, including the fiscal management, of the Office.”;

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

“(i) are made by, or on behalf of, residents, including residents with limited or no decisionmaking capacity and who have no known legal representative, and if such a resident is unable to communicate consent for an Ombudsman to work on a complaint directly involving the resident, the Ombudsman shall seek evidence to indicate what outcome the resident would have communicated (and, in the absence of evidence to the contrary, shall assume that the resident wishes to have the resident’s health, safety, welfare, and rights protected) and shall work to accomplish that outcome; and”;

(ii) in subparagraph (D), by striking “regular and timely” and inserting “regular, timely, private, and unimpeded”;

(iii) in subparagraph (H)(iii)—

(I) by inserting “, actively encourage, and assist in” after “provide technical support for”; and

(II) by striking “and” after the semicolon;

(iv) by redesignating subparagraph (I) as subparagraph (J); and

(v) by inserting after subparagraph (H) the following:

“(I) when feasible, continue to carry out the functions described in this section on behalf of residents transitioning from a long-term care facility to a home care setting; and”;

(C) in paragraph (5)(B)—

(i) in clause (vi)—

(I) by inserting “, actively encourage, and assist in” after “support”; and

(II) by striking “and” after the semicolon;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

“(vii) identify, investigate, and resolve complaints described in clause (iii) that are made by or on behalf of residents with limited or no decisionmaking capacity and who have no known legal representative, and if such a resident is unable to communicate consent for an Ombudsman to work on a complaint directly involving the resident, the Ombudsman shall seek evidence to indicate what outcome the resident would have communicated (and, in the absence of evidence to the contrary, shall assume that the resident wishes to have the resident’s health, safety, welfare, and rights protected) and shall work to accomplish that outcome; and”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “access” and inserting “private and unimpeded access”; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “the medical and social records of a” and inserting “all files, records, and other information concerning a”; and

(bb) in subclause (II), by striking “to consent” and inserting “to communicate consent”; and

(II) in clause (ii), in the matter before subclause (I), by striking “the records” and inserting “the files, records, and information”; and

(B) by adding at the end the following:

“(3) HEALTH OVERSIGHT AGENCY.—For purposes of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (including regulations issued under that section) (42 U.S.C. 1320d–2 note), the Ombudsman and a representative of the Office shall be considered a ‘health oversight agency,’ so that release of residents’ individually identifiable health information to the Ombudsman or representative is not precluded in cases in which the requirements of clause (i) or (ii) of paragraph (1)(B), or the requirements of paragraph (1)(D), are otherwise met.”;

(3) in subsection (c)(2)(D), by striking “202(a)(21)” and inserting “202(a)(18)”;

(4) in subsection (d)—

(A) in paragraph (1), by striking “files” and inserting “files, records, and other information”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “files and records” each place such term appears and inserting “files, records, and other information”; and

(II) by striking “and” after the semicolon;

(ii) in subparagraph (B)—

(I) by striking “files or records” and inserting “files, records, or other information”; and

(II) in clause (iii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) notwithstanding subparagraph (B), ensure that the Ombudsman may disclose information as needed in order to best serve residents with limited or no decisionmaking capacity who have no known legal representative and are unable to communicate consent, in order for the Ombudsman to carry out the functions and duties described in paragraphs (3)(A) and (5)(B) of subsection (a).”;

(5) by striking subsection (f) and inserting the following:

“(f) CONFLICT OF INTEREST.—

“(1) INDIVIDUAL CONFLICT OF INTEREST.—The State agency shall—

“(A) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

“(B) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest; and

“(C) ensure that the Ombudsman—

“(i) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

“(ii) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

“(iii) is not employed by, or participating in the management of, a long-term care facility or a related organization, and has not been employed by such a facility or organization within 1 year before the date of the determination involved;

“(iv) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility;

“(v) does not have management responsibility for, or operate under the supervision of an individual with management responsibility for, adult protective services; and

“(vi) does not serve as a guardian or in another fiduciary capacity for residents of long-term care facilities in an official capacity (as opposed to serving as a guardian or fiduciary for a family member, in a personal capacity).”

“(2) ORGANIZATIONAL CONFLICT OF INTEREST.—

“(A) IN GENERAL.—The State agency shall comply with subparagraph (B)(i) in a case in which the Office poses an organizational conflict of interest, including a situation in which the Office is placed in an organization that—

“(i) is responsible for licensing, certifying, or surveying long-term care services in the State;

“(ii) is an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals;

“(iii) provides long-term care services, including programs carried out under a Medicaid waiver approved under section 1115 of the Social Security Act (42 U.S.C. 1315) or under subsection (b) or (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n), or under a Medicaid State plan amendment under subsection (i), (j), or (k) of section 1915 of the Social Security Act (42 U.S.C. 1396n);

“(iv) provides long-term care case management;

“(v) sets rates for long-term care services;

“(vi) provides adult protective services;

“(vii) is responsible for eligibility determinations for the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(viii) conducts preadmission screening for placements in facilities described in clause (ii); or

“(ix) makes decisions regarding admission or discharge of individuals to or from such facilities.

“(B) IDENTIFYING, REMOVING, AND REMEDIATING ORGANIZATIONAL CONFLICT.—

“(i) IN GENERAL.—The State agency may not operate the Office or carry out the program, directly, or by contract or other arrangement with any public agency or non-profit private organization, in a case in which there is an organizational conflict of interest (within the meaning of subparagraph (A)) unless such conflict of interest has been—

“(I) identified by the State agency;

“(II) disclosed by the State agency to the Assistant Secretary in writing; and

“(III) remedied in accordance with this subparagraph.

“(ii) ACTION BY ASSISTANT SECRETARY.—In a case in which a potential or actual organizational conflict of interest (within the meaning of subparagraph (A)) involving the Office is disclosed or reported to the Assistant Secretary by any person or entity, the Assistant Secretary shall require that the State agency, in accordance with the policies and procedures established by the State agency under subsection (a)(5)(D)(iii)—

“(I) remove the conflict; or

“(II) submit, and obtain the approval of the Assistant Secretary for, an adequate remedial plan that indicates how the Ombudsman will be unencumbered in fulfilling all of the functions specified in subsection (a)(3).”;

(6) in subsection (h)—

(A) in paragraph (3)(A)(i), by striking “older”;

(B) in paragraph (4), by striking all that precedes “procedures” and inserting the following:

“(4) strengthen and update”;

(C) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(D) by inserting after paragraph (3) the following:

“(4) ensure that the Ombudsman or a designee participates in training provided by the National Ombudsman Resource Center established in section 202(a)(18);”;

(E) in paragraph (6)(A), as redesignated by subparagraph (C) of this paragraph, by striking “paragraph (4)” and inserting “paragraph (5)”;

(F) in paragraph (7)(A), as redesignated by subparagraph (C) of this paragraph, by striking “subtitle C of the” and inserting “sub-title C of title I of the”; and

(G) in paragraph (10), as redesignated by subparagraph (C) of this paragraph, by striking “(6), or (7)” and inserting “(7), or (8)”.

(c) OMBUDSMAN REGULATIONS.—Section 713 of the Older Americans Act of 1965 (42 U.S.C. 3058h) is amended—

(1) in paragraph (1), by striking “paragraphs (1) and (2) of section 712(f)” and inserting “subparagraphs (A) and (B) of section 712(f)(1)”; and

(2) in paragraph (2), by striking “subparagraphs (A) through (D) of section 712(f)(3)” and inserting “clauses (i) through (vi) of section 712(f)(1)(C)”.

(d) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “(including financial exploitation)”;

(B) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(C) by inserting after paragraph (4) the following:

“(5) promoting the submission of data on elder abuse, neglect, and exploitation for the appropriate database of the Administration or another database specified by the Assistant Secretary;”;

(D) in paragraph (10)(C), as redesignated by subparagraph (B) of this paragraph—

(i) in clause (ii), by inserting “, such as forensic specialists,” after “such personnel”; and

(ii) in clause (v), by inserting before the comma the following: “, including programs and arrangements that protect against financial exploitation”; and

(E) in paragraph (12), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking “and” at the end; and

(ii) by adding at the end the following:

“(F) supporting and studying innovative practices in communities to develop partnerships across disciplines for the prevention, investigation, and prosecution of abuse, neglect, and exploitation; and”;

(2) in subsection (e)(2), in the matter preceding subparagraph (A)—

(A) by striking “subsection (b)(9)(B)(i)” and inserting “subsection (b)(10)(B)(i)”; and

(B) by striking “subsection (b)(9)(B)(ii)” and inserting “subsection (b)(10)(B)(ii)”.

#### SEC. 9. BEHAVIORAL HEALTH.

The Older Americans Act of 1965 is amended—

(1) in section 102 (42 U.S.C. 3002)—

(A) in paragraph (14)(G), by inserting “and behavioral” after “mental”;

(B) in paragraph (36), by inserting “and behavioral” after “mental”; and

(C) in paragraph (47)(B), by inserting “and behavioral” after “mental”;

(2) in section 201(f)(1) (42 U.S.C. 3011(f)(1)), by inserting “and behavioral” after “mental”;

(3) in section 202(a)(5) (42 U.S.C. 3012(a)(5)), by inserting “and behavioral” after “mental”;

(4) in section 306(a) (42 U.S.C. 3026(a))—

(A) in paragraph (2)(A), by inserting “and behavioral” after “mental”; and

(B) in paragraph (6)(F), by striking “mental health services” each place such term appears and inserting “mental and behavioral health services”; and

(5) in section 321(a) (42 U.S.C. 3030d)—

(A) in paragraph (1), as amended by section 4(g), by inserting “and behavioral” after “mental”;

(B) in paragraph (14)(B), by inserting “and behavioral” after “mental”; and

(C) in paragraph (23), by inserting “and behavioral” after “mental”.

#### SEC. 10. GUIDANCE ON SERVING HOLOCAUST SURVIVORS.

(a) IN GENERAL.—Because the services under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) are critical to meeting the urgent needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life, the Assistant Secretary for Aging shall issue guidance to States, that shall be applicable to States, area agencies on aging, and providers of services for older individuals, with respect to serving Holocaust survivors, including guidance on promising practices for conducting outreach to that population. In developing the guidance, the Assistant Secretary for Aging shall consult with experts and organizations serving Holocaust survivors, and shall take into account the possibility that the needs of Holocaust survivors may differ based on geography.

(b) CONTENTS.—The guidance shall include the following:

(1) How nutrition service providers may meet the special health-related or other dietary needs of participants in programs under the Older Americans Act of 1965, including needs based on religious, cultural, or ethnic requirements.

(2) How transportation service providers may address the urgent transportation needs of Holocaust survivors.

(3) How State long-term care ombudsmen may address the unique needs of residents of long-term care facilities for whom institutional settings may produce sights, sounds, smells, emotions, and routines, that can induce panic, anxiety, and retraumatization as a result of experiences from the Holocaust.

(4) How supportive services providers may consider the unique needs of Holocaust survivors.

(5) How other services provided under that Act, as determined by the Assistant Secretary for Aging, may serve Holocaust survivors.

(c) DATE OF ISSUANCE.—The guidance described in subsection (a) shall be issued not later than 180 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I ask unanimous consent that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, the Senate has now passed the reauthorization of the Older Americans Act by voice vote.

As the chairman of the Senate Committee on Aging and as a Senator who represents a State with the highest median age, I am well aware of how important the programs authorized by this law are to our Nation's seniors. They include, for example, Meals on Wheels, which is a wonderful program that allows so many of our seniors to stay in their own homes and yet have their nutritional needs met. I also know how much the seniors in my State look forward to the visits from those who are delivering Meals on Wheels. It is a way that their health and well-being can be checked on. In some cases, it may be the only social interaction they have on a given day.

In my State, the five area agencies on aging are very active in delivering the services needed for the seniors in that particular community or region in my State, particularly in rural Maine, where there may be an absence of serv-

ices, such as caregiving services. The area agency on aging plays an absolutely critical role. In some other areas of the State, under the Older Americans Act programs, transportation services are provided to our seniors, legal services, whatever is needed.

One of the provisions of this bill in which I have a particular interest is the strengthening of the role of the ombudsman for long-term care. That is important for the quality of care our seniors are receiving in nursing homes and other institutionalized settings. But the great thing about the Older Americans Act is that it helps many of our seniors avoid nursing homes and instead remain in the comfort, security, and privacy of their own homes—just where they want to be.

This bill also takes steps to help safeguard older Americans from abuse and financial exploitation. I know from the hearings we have held before the Aging Committee that this is a growing problem. In fact, in the year 2011, it is estimated that older Americans lost some \$2.9 billion due to schemes that were foisted on them. That probably is a greatly understated number because, sadly, 90 percent of this exploitation comes from people the senior knows well—either a relative, a trusted adviser, or a caregiver. Oftentimes, seniors are very hesitant to report these crimes because they don't want to get a loved one in trouble or they are simply too embarrassed to go to the police.

We have held hearings on how technology has made the Do Not Call list virtually useless these days because unfortunately technology allows people from call centers in India, for example, to call into this country pretending to be a member of the Internal Revenue Service or the local police department. Well, when a senior sees on the caller ID that the Department of Treasury from Washington, DC, is calling, they are going to pick up the phone, and thus the exploitation begins.

We are making a real effort on the Aging Committee to educate seniors about these con artists and the techniques they use to try to rip off people of all ages but with a particular focus on our senior citizens. So I am pleased that the Older Americans Act is focused on financial exploitation and trying to stop that kind of abuse.

In short, the reauthorization of these important programs under the Older Americans Act is long overdue. While we have continued to fund them, the reauthorization expired years ago, and I am very pleased that the chairman and the ranking member of the Senate Health, Education, Labor and Pensions Committee, of which the Presiding Officer is such a valuable member, have worked together to produce the bipartisan bill we just passed. This shows what the Senate can do when we work together to meet the needs of our citizens.

It is an honor to be on the floor to manage this bill. I hope, since it was 50 years ago this month when the Older

Americans Act first passed, that we can move rapidly to see it approved by the House of Representatives as well and signed into law by the President.

Thank you, Mr. President.

I yield the floor.

Mrs. MURRAY. Mr. President, 50 years ago this week, President Lyndon Johnson signed the Older Americans Act, which enshrined into law our responsibility for helping seniors live healthier, fuller, and more independent lives. Fifty years later, I am pleased Congress has worked to reauthorize the Older Americans Act to once again uphold that promise of our Nation. And I am pleased we came together in a bipartisan way to provide important support for seniors in my home State of Washington and those across the country.

I especially thank Senators ALEXANDER, SANDERS, and BURR for all of their hard work on this bill. I believe we should be doing everything we can to support seniors so they can lead healthy, independent lives. Improving opportunities for seniors is part of how we can restore some much-needed economic security for them. And it is how we can help ensure our country is working for all Americans, not just the wealthiest few.

But today, far too many seniors find themselves skipping meals or going hungry, instead of getting the nutrition they need. In fact, 9.3 million seniors in our country face the threat of hunger, according to a 2012 report. And in my home State of Washington, 13.5 percent of seniors struggle with hunger.

As if that isn't enough, many seniors face other serious challenges, like elder abuse. That can include mistreatment in a nursing home or financial exploitation. This bill to reauthorize the Older Americans Act supports crucial social services and nutrition programs for seniors.

As one example, this bill sustains our investment in Meals on Wheels. In my home State of Washington, more than 460,000 seniors enroll in that program. Meals on Wheels is a critical lifeline for them. It is an important investment for our country. For every dollar we invest in Meals on Wheels, we can save up to \$50 in Medicaid spending, according to a study from the Center for Effective Government. Among other important provisions, the bill also strengthens programs to combat elder abuse.

This bill focuses on the critical importance of both abuse screenings and prevention efforts, and it would improve the response to abuse, neglect, and exploitation in long-term care facilities. It also puts a key emphasis on evidence-based public health programs.

It bolsters transportation programs, and it ensures that OAA programs include a focus on seniors' behavioral health needs. I am proud that this bill is the result of strong bipartisan work. It proves yet again that when Republicans and Democrats work together,

we can get results, so I hope we can build on this progress.

I want to continue to work with Republicans to find common ground and get results for families and communities in Washington State and across the country. And I hope to continue to work on ways to restore economic stability and security to more seniors.

In 1965, at the original signing of the Older Americans Act, President Johnson said the true significance of this bill would be in its results. He said he hoped the bill would, quote, "help us to expand our opportunities for enriching the lives of all of our citizens in our country, now and in the years to come."

Reauthorizing this law will carry out that mission and expand opportunities so more seniors can lead healthy, independent lives. It is an important part of our work to help the economy grow from the middle out, not the top down. It will be another step toward making sure our government is working for all families, not just the wealthiest few.

Today, I call on all my colleagues to support this bill. Let's reauthorize the Older Americans Act and live up to our Nation's responsibility to seniors across the country.

Mr. LEAHY. Mr. President, I am glad the Senate has turned today to the reauthorization of the programs under the Older Americans Act. For decades, this law has provided community assistance to seniors in underserved and rural areas across the country, but unfortunately, these programs have gone unauthorized since 2011. As our population ages, seniors face an increased need for community resources, which is what makes this bill so important.

The Older Americans Reauthorization Act of 2015 will prioritize funding for crucial community and in-home services that offer the protection and reassurance for seniors requiring specialized care. The bill will reauthorize transportation assistance and home-delivered nutrition programs. It will also strengthen State grants for in-home caregiver support. Through the coordination of community and health care providers, the bill will improve disease promotion services and increase mental health awareness among elderly populations. Furthermore, the legislation will strengthen programs that prevent senior abuse, neglect, and exploitation by holding health facilities and adult care homes accountable for promoting excellent patient care.

These programs have given seniors in Vermont and across the country the chance for independence and wellbeing long after retirement. This is not a partisan issue, but one we can all agree requires our dedication and support. I am pleased to cosponsor this legislation and wish to thank Senators MURRAY, ALEXANDER, SANDERS, and BURR for making this issue a priority this Congress. I am pleased the Senate has passed this legislation, which will help to improve the livelihood of our Nation's seniors.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, once again I see my good friend Senator COLLINS fighting for all of the good people of her State and all of our States and raising important issues—issues that I dealt with, quite honestly, quite a bit when I was attorney general of my State. Exploitation is a horrible practice that takes away the dignity and the opportunity for a healthy life of an elderly American citizen. So I congratulate the Senator from Maine on her fine work, and I pledge my full support as she moves forward with this bill.

I thank the Senator from Maine.

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#### HONORING VIETNAM VETERANS AND NORTH DAKOTA'S SOLDIERS WHO LOST THEIR LIVES IN VIETNAM

Ms. HEITKAMP. Mr. President, today, as I do most Thursdays in this Senate, I rise to speak about the young men from my State of North Dakota who went to Vietnam and certainly those who died while serving in the Vietnam war. As I have said before, the families of each of these 198 fallen North Dakotans deserve to have America pause to honor and remember each of them.

Before I speak about some of the North Dakotans who are missing or who died during the Vietnam war, I wish to thank Author "Tom" Mandan, a Vietnam veteran from New Town, ND, who is an inspiration to our State and to our country.

In 1966, Tom chose to enlist in the Army. He was stationed in Vietnam as a medic. He volunteered to extend his time in Vietnam twice and spent a total of 3 years there. The Army awarded him with a Purple Heart and Bronze Star with the V device to denote his heroism involving conflict with the armed enemy.

Tom comes from a family who is also an example of service to our country. Tom and his four brothers all served in Vietnam, each one after the other. Previously, their father, Victor Mandan, served our country in World War II.

When Tom returned to the United States from Vietnam, he raised his family and became a teacher. He enjoyed teaching fourth graders in Mandari and teaching the Hidatsa language to elementary and middle school students. Tom retired from teaching and now serves the Mandan Hidatsa Arikara Nation, working full time as tribal liaison for elders and veterans.

Tom is a proud father and proud grandfather, but he is humbled about his important contributions to his tribe, to his State, and to his country.

Tom's first cousin, Myron Johnson, who was like a brother to Tom, also served in Vietnam and was killed in action there. I now would like to talk about Myron and four other young men who didn't come home from the war.